



-1-

BEST AVAILABLE COPY

IN THE UNITED STATES DESIGNATED OFFICE
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER THE PATENT COOPERATION TREATY-CHAPTER II
SUBMISSION OF SIGNED DECLARATION

5

ATTN: BOX PCT

APPLICANTS: Abraham-Fuchs et al.
SERIAL NO.: 09/581,587
FILED: June 15, 2000
TITLE: "DEVICE FOR ADMINISTERING A FLUID TO A
10 PATIENT BY INFUSION AND/OR PERFUSION"

Assistant Commissioner for Patents,
Washington, D.C. 20231

S I R:

15 In response to the Notification of Missing Requirements under 37
C.F.R. §371 dated July 13, 2000 (copy attached), Applicants herewith submit
a signed Declaration for the above application, together with a check for the
statutory fee in the amount of \$130.00.

09/14/2000 ERIHANDO 00000048 09581587

01 FC:154 130.00 OP
02 FC:115 110.00 OP

BEST AVAILABLE COPY

Applicants herewith request an extension of time up to and including September 13, 2000 for responding to the aforementioned Notification. A check for the extension fee in the amount of \$110.00 for a one month extension fee submitted herewith.

5

Respectfully submitted,

Steven H. Noll

(Reg. No. 28,982)

10

Steven H. Noll
Schiff, Hardin & Waite
66th Floor - Sears Tower
Patent Department
Chicago, Illinois 60606
(312) 258-5790
Attorneys for Applicants

CERTIFICATE OF MAILING

15

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 7, 2000.

20

Steven H. Noll

STEVEN H. NOLL



09-00000000

ABRAHAM-FUCHS

14

FOO, 1120

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

5071

FCT/DE98/03620

INTERNATIONAL APPLICATION NO.

HILL & SIMPSON
85TH FLOOR SEARS TOWER
CHICAGO IL 60606

1. A. FILING DATE:

~~PRIORITY DATE 3~~

DATE MAILED:

07/13/00

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
☒ a non-English language.
☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☒ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 15 JAN 2000 and _____
- ☒ Information Disclosure Statement(s) filed 15 JAN 2000 and _____
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917☐ Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: 703

3 SA.
10/10/1950
10/10/1950

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

0987581587

ABRAHAM-FUCHS

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY DOCKET NO.

HILL & SIMPSON
85TH FLOOR SEARS TOWER
CHICAGO IL 60606

5071

INTERNATIONAL APPLICATION NO.
PCT/DE98/02620

I.A. FILING DATE

PRIORITY DATE

12/09/98

12/19/97

07/13/00

DATE MAILED:

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: 703 499 3200

FORM PCT/DO/EO/917 (September 1996)

